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Via Electronic Filing and U.S. Mail

Honorable Susan D. Wigenton, United States District Court Judge
United States District Court
Martin Luther King, Jr. Federal Building & Courthouse
50 Walnut Street, Room 5060
Newark, New Jersey 07101

Re: *Russell-Brown v. The University of Florida Board of Trustees et al.*,
No. 10-cv-04017 (SDW-MCA)

Dear Judge Wigenton:

On behalf of the University of Florida, its Board of Trustees and the Levin College of Law and its dean (“the U of F Defendants”), I am responding to the February 7, 2011 letter (with attachment) that was sent to Your Honor by Lennox S. Hinds, Esq., counsel for Plaintiff Sherrie Russell-Brown. As an initial matter, I would respectfully suggest that Mr. Hinds’s letter has no legitimate purpose. The U of F Defendants’ motion to dismiss the Complaint is pending before this Court. If Mr. Hinds wishes to rebut any of the U of F Defendants’ positions or arguments, the proper place to do so is in Plaintiff’s opposition papers, which are presently due on February 21, 2011. By writing directly to Your Honor concerning a pending motion, Mr. Hinds is attempting to circumvent the Court Rules and to put unsworn assertions and documents before the Court.

The U of F Defendants seek to dismiss the Complaint because, among other things, Plaintiff (or counsel acting on her behalf) has submitted inauthentic documents to the Court, specifically two e-mails that purport to have been sent by University of Florida personnel. (One of the e-mails is attached to Mr. Hinds’s February 7th letter.) Submitted with the U of F Defendants’ motion are sworn declarations from the relevant individuals, which support the conclusion that the e-mails are not genuine.

Mr. Hinds states that he has asked me “to take immediate remedial measures,” meaning that he has asked me to withdraw the U of F Defendants’ motion to the extent it seeks dismissal of the Complaint as a sanction for having attempted to perpetrate a fraud on the Court by submitting inauthentic documents on which the Court was intended to rely. I have advised Mr. Hinds that the U of F Defendants are confident, both in their evidence and in their reading of the case law and, therefore, do not intend to withdraw any portion of their pending motion. (Mr. Hinds’s suggestion that I “may be” in violation of the Rules of Professional Conduct is gratuitous. I have advised Mr. Hinds that I am willing to meet with

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him to go over the U of F Defendants' evidence disproving the authenticity of the e-mails and to review any evidence he might have to the contrary. He has not replied to my offer.)

In sum, Mr. Hind's letter constitutes an inappropriate attempt to bypass the motion process prescribed by the Court Rules. Mr. Hinds will have every opportunity to present his arguments, both in his opposition papers and at the hearing on the U of F Defendants' motion (assuming oral argument is granted). His unsolicited February 7th diatribe is simply out of order and should not be considered by the Court.

I appreciate Your Honor's continued courtesies in this matter.

Respectfully submitted,

/s/ Ian S. Marx
Ian S. Marx

cc: All Counsel of Record (via ECF)